

State Implementation Plan Process Improvement Project

Final Report

Recommendations for improving the development and approval of
State Implementation Plan (SIP) revisions in EPA Region 10

Prepared by

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Table of Contents

- I. The Need for the Project
- II. Summary of the Changes Recommended by the Core Design Team
- III. The Benefits from Implementation of the Recommendations
- IV. Three SIP Revision Categories
- V. Determining the Appropriate SIP Revision Category (the "Triage" Approach)
- VI. An Overview of the Three Processes
- VII. The Appropriate Content of the Federally Approved SIP
- VIII. Working Agreements
- IX. Dispute Resolution
- X. Implementation Strategy
- XI. Process Evaluation and Improvement

Appendices

1. SIP Process Flow Chart Element Description
2. Guidelines for Including Rules in Implementation Plans
3. SIP Development Plan
4. SIP Guidance and Templates
 - SIP Guidance
 - Non-attainment Area SIP Template
 - Maintenance Plan Template
 - Rule SIP Revision Template
5. SIP Submittal Template
6. Rule Relaxation Analysis Guideline
7. Legal Review by States
8. Pro Forma Working Agreement

I. The Need for the Project

State, local, and EPA air program directors (Executive Director Team or EDT), in Region 10 recognized the need to improve the State Implementation Plan (SIP) development and approval process to strengthen working relationships, produce higher quality SIP revisions, shorten approval times, reduce re-work, and streamline document preparation. The thirteen state and local agencies in Region 10 generate over 30 SIP revisions each year, creating a significant workload. A more effective process will enable EPA to complete technical and legal reviews and approve SIP revisions within statutory deadlines.

EPA, with support from each air program director, convened state and local agency representatives (the Core Design Team or CDT) to develop recommendations for improving the SIP process. The CDT's recommendations also include mechanisms for process implementation, and process evaluation and improvement.

II. Summary of the Changes Recommended by the Core Design Team

The CDT believes these recommendations will significantly improve the SIP process in EPA Region 10. In summary the recommendations and their most significant benefits are:

- 1) **State/local agencies should include in the SIP only those provisions required by the Clean Air Act.** This will reduce unnecessary SIP revisions.
- 2) **State/local agencies should keep SIP revisions simple so most can be processed as minor revisions.** This will reduce workload. State and local agencies will provide adequate documentation to support using the minor SIP revision process, including as appropriate, an analysis showing the SIP revision is not a relaxation and showing the differences between the approved SIP and the revised SIP.
- 3) **EPA and State/Local agency working relationship will be summarized in an MOA or other working agreement.** Agreement on how the agencies will work together will improve communication of expectations for each SIP revision. These MOA and other agreements are NOT legal documents, but discussions of ongoing working relationships.
- 4) **SIP development and approval will be managed.** State and local agencies will prepare a SIP Development Plan prior to initiating work. EPA will participate in this planning to reduce "late hits", second guessing, and unexpected delays. The SIP Development Plan will address technical, legal, and policy issues. The SIP Development Plan will consolidate the Technical Analysis Protocol (TAP) and Inventory Preparation Plan (IPP), and will also identify and address other legal and policy issues that affect SIP development. It will also include a schedule of major milestones and clarify the role of each agency involved in the SIP process.

5) **State/Local agencies should prepare and submit to EPA better documentation of the rationale and justification for SIP revisions.** This will simplify EPA's work in preparing supporting documentation and Federal Register notices.

III. The Benefits from Implementation of the Recommendations

Implementing the five recommendations summarized above will provide the following benefits to state/local agencies and to EPA Region 10:

- 1) Higher quality SIP revisions with improved documentation of the rationale for decisions.
- 2) Mutual expectations for completing SIP approval.
- 3) A "lean" federally-approved SIP requiring fewer federal actions as agencies update their regulations.
- 4) Less EPA research to justify approval decisions.
- 5) A "blue-print" for SIP development, review and approval resulting in clearer roles and responsibilities for all parties involved in the process.
- 6) A new focus on data gathering,
- 7) Realistic time frames for decision making and work completion.
- 8) Timely dispute resolution to keep the process "moving" and minimize re-work.
- 9) Mechanisms for identifying future process changes and improvements.

IV. Three SIP Revision Categories

There are three categories of SIP revisions from complex to minor. Each category is described below.

1) A Non-attainment/Maintenance/Regional Haze SIP Revision (complex SIP) is the most complex SIP revision. It is developed to solve an air quality problem known to cause detrimental effects to human health or welfare. This SIP includes a characterization of the air quality problem; development of a control strategy; demonstration that the control strategy will attain the standards; rules, regulations, and work practice requirements that have been adopted by state or local agency; and other administrative requirements. These revisions require a complete technical and legal review by EPA.

2) A Rule and Program SIP Revision (moderate SIP) is a moderately complex revision that revises existing, or adds new requirements for air pollution sources. These revisions are done periodically to update requirements for changing conditions. In particular, any revision that relaxes the SIP will need a technical justification to show that the National Ambient Air Quality Standards (NAAQS) are protected, no Prevention of Significant Deterioration (PSD) increment is violated, and visibility in mandatory federal Class I areas is protected. These revisions generally need a technical and legal review by EPA.

3) A Minor SIP Revision (minor SIP) is a simple revision that results in a minimal

effect on emissions. These might include, among other things; SIP clean-up, re-codification of provisions, or revisions to definitions. These revisions generally require a quick review by EPA.

V. Determining the Appropriate SIP Revision Category (the "Triage" approach)

When an agency decides a SIP revision is needed, staff should contact the EPA State SIP Contact to determine which of the three SIP processes should be used. A complex SIP will require significantly more "up-front" collaboration between EPA and the state or local agency than a moderate or minor SIP. The complex and moderate SIP both require technical and legal review by EPA and more complex documentation of the rationale for approving the SIP revision. Complete documentation, prepared by the state or local agency, speeds EPA approval. A minor SIP requires only minimal up-front planning and minimal documentation.

The SIP category decision should be agreed to by EPA and the state or local agency prior to initiating work.

EPA and the state or local agency will determine together, case-by-case, the revisions to be processed as Minor SIP's. A general consideration will be the effect the revision has on emissions. SIP's with minor effects will be candidates for the Minor SIP process.

VI. An Overview of the Three Processes.

A. Non-attainment/Maintenance/Regional Haze SIP Process:

There are four phases in the Non-attainment/Maintenance/Regional Haze SIP process: 1) SIP project planning, 2) SIP development, 3) State and local adoption, 4) SIP approval (or disapproval). The Figure, "Non-Attainment/Visibility SIP", on the following 2 pages shows this process in detail.

1) SIP Project Planning Phase: EPA and the state or local agency work together to develop a SIP Development Plan. The state or local agency has the lead in this phase. EPA leads the "learning check" to evaluate how the process in this phase worked. Agreement must be reached on the SIP Development Plan before proceeding.

2) SIP Development Phase: This phase with state or local agency lead includes completing the technical elements, developing the control strategy, and drafting SIP. The state or local agency may consult with EPA as needed on controversial issues. The state or local agency must provide the draft SIP to EPA for review prior to entering the public review and adoption phase. This review will allow revision of the draft SIP to fix major problems. EPA leads the "learning check" to evaluate how the process in this phase worked.

3) The state or local agency enters the public involvement and adoption phase. Public hearings are held and a final package is prepared and submitted to EPA. The state or local agency leads this phase.

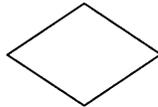
4) EPA reviews and approves or disapproves the SIP revision. This phase includes a “completeness” review and determination, a review for adequacy in meeting federal technical and legal requirements, documentation of that review, and publication of a notice in the Federal Register. EPA leads this phase.

Proposed SIP DEVELOPMENT AND APPROVAL PROCESS

PROCESS CHART SYMBOLS AND CODES EXPLANATION



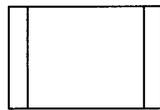
Work Process Step



Decision Point



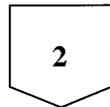
Document



Predetermined Process



Connector (Same page)



Connector (To or from next page)

L = Lead Role Responsibility for Phase or Process Step

C = May be consulted by the Lead

C' = Must be consulted by the Lead before a decision is made or action is taken

I = Must be informed by the Lead about progress and/or results

A = Must formally approve before action can be taken

S/L refers to State and Local Air Quality Agencies

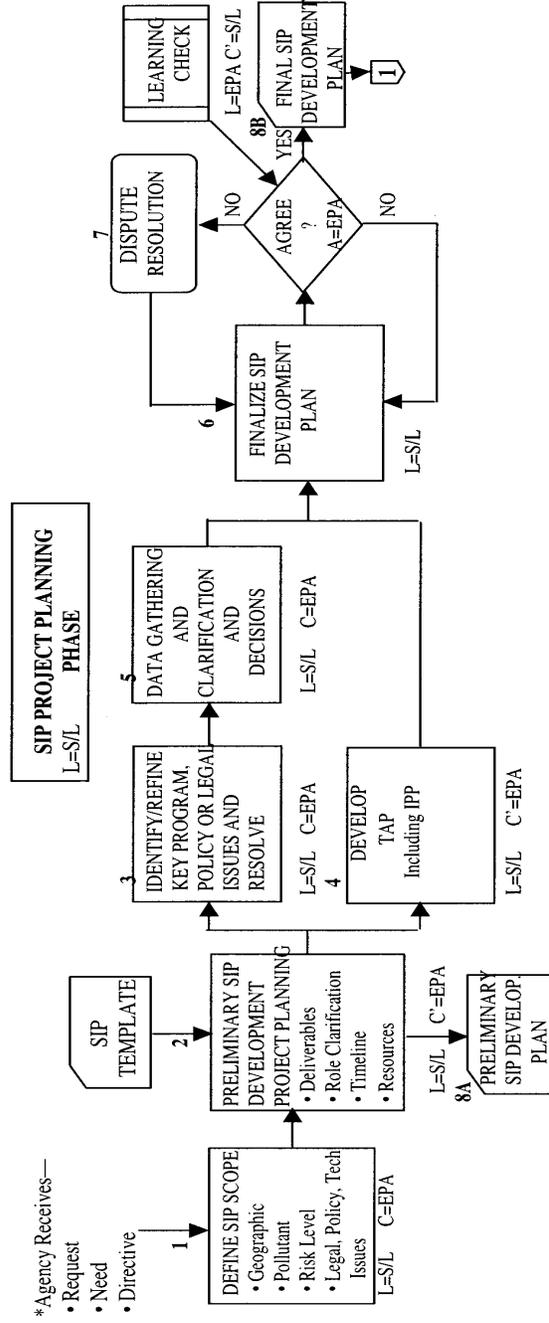
EPA refers to EPA Region 10

Proposed SIP DEVELOPMENT AND APPROVAL PROCESS

Non-Attainment/Visibility SIP

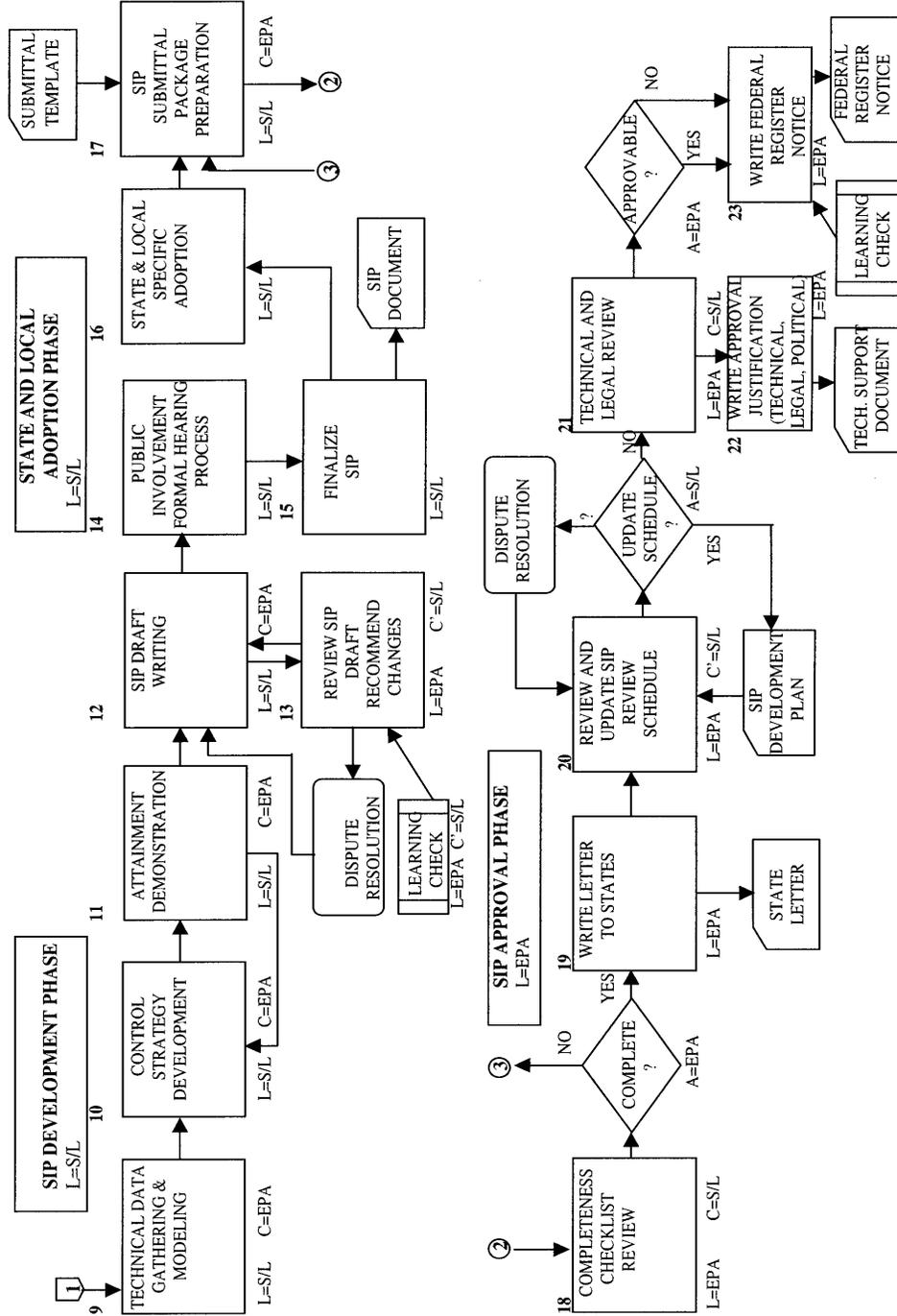
* INPUTS TO THIS PROCESS:

- New Rule due to:
 - Federal Law (e.g. "Visibility)
 - State Law or Interpretation
- Air quality/emission data
- Requests from external parties (e.g. a source that wants different emission limits)
- Vehicle/population growth forecasts
- Non-scientific problem/concern (e.g. MTBE)
- Law suit
- SIP Call (from EPA)



Proposed SIP DEVELOPMENT AND APPROVAL PROCESS

Non-Attainment/Visibility SIP (continued)



B. Rules and Program SIP Process:

This process consists of four phases; 1) SIP project planning , 2) Rule or program revision development, 3) State/local adoption, and 4) SIP revision approval/disapproval. This SIP process is similar to the Non-attainment/Maintenance/Regional Haze SIP process but may entail less technical justification and review if it is not a SIP relaxation. In some instances, EPA and the state or local agency may agree to use the Minor SIP process after the SIP relaxation analysis is completed. The Figure “Rules and Program Changes SIPs” on the following 2 pages shows this process in detail.

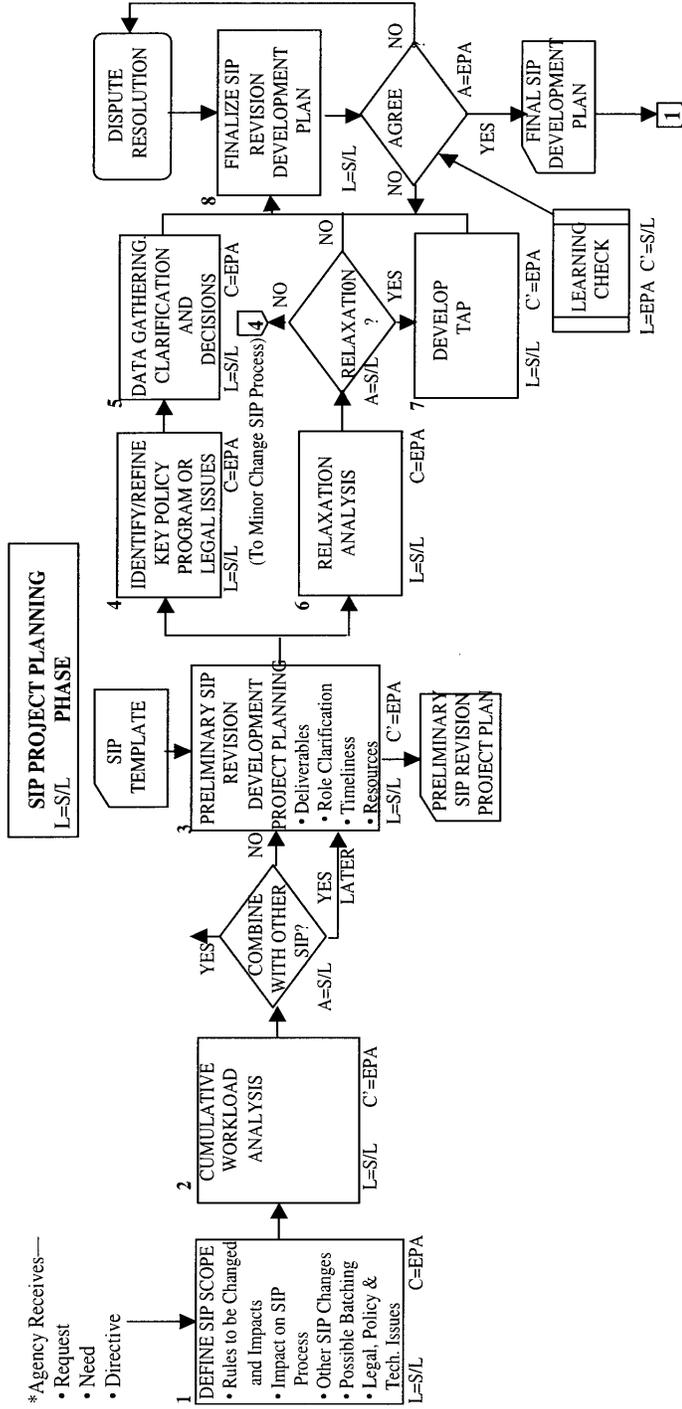
- 1) The scope of the revision is assessed and a cumulative work load analysis is completed. A cumulative work load analysis identifies all the SIP revisions anticipated by the state/local agency in the coming year, establishes a state/local priority for each, and gives EPA an assessment of the total SIP workload for the state/local agency. A SIP relaxation analysis is completed to determine whether further technical justification is needed. The SIP revision may shift to the Minor SIP process based on the relaxation analysis and upon agreement between EPA and the state/local agency. A SIP development plan is prepared; its complexity depends on whether the SIP revision is a relaxation requiring technical justification for protecting the NAAQS, PSD increment, or visibility. Agreement must be reached on the SIP Development plan, including the relaxation analysis, before proceeding. This is a state/local lead.
- 2) The state/local agency drafts the rule or program revisions, along with the appropriate justification, and provides a copy to EPA. The justification should include, but not be limited to, a redline/strikeout version of the proposed revisions showing in the last approved SIP; the completion of Appendix 4, “SIP Template for a Rule Revision”; and the completion of Appendix 7 (if appropriate), “Guidance for a Rule Relaxation”. EPA reviews and provides comments to the state/local agency prior to the public involvement process to allow revision of the SIP prior to public review. This is a state/local agency lead.
- 3) The state/local agency conducts the public involvement and adoption process. Public hearings are held and a final package is prepared and submitted to EPA. The state should send EPA a copy of the final version of the rule available for public review, as well as a redline/strikeout version of the final rule and the last version reviewed by EPA. This is a state/local lead.
- 4) EPA reviews and approves/disapproves the SIP revision. This phase includes a “completeness” review and determination, a review for adequacy in meeting federal technical and legal requirements, documentation of that review, and publication of a notice in the Federal Register.

Proposed SIP DEVELOPMENT AND APPROVAL PROCESS

Rules and Program Changes SIPs

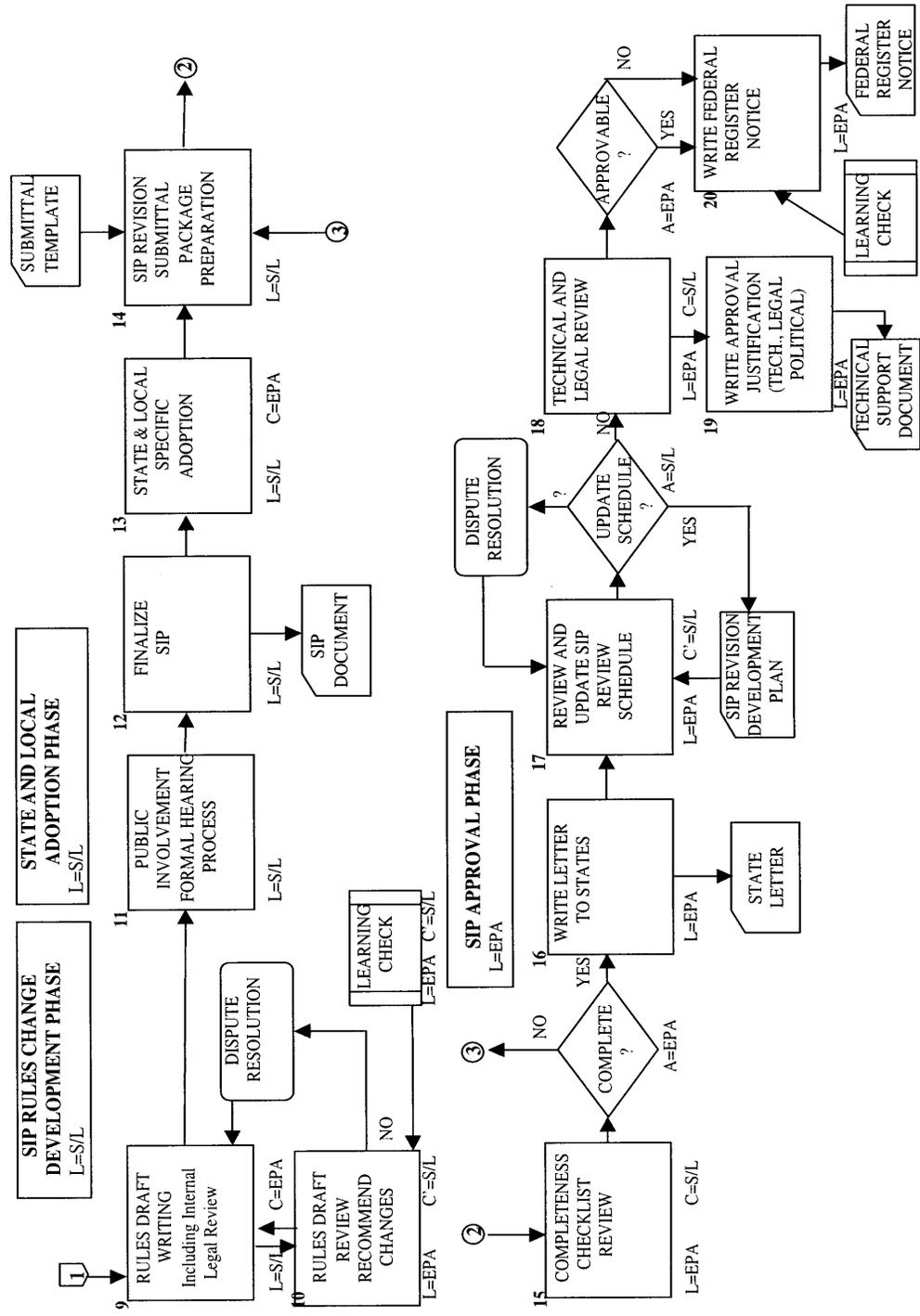
* INPUTS TO THIS PROCESS:

- New Rule due to:
 - Federal Law (e.g. "Visibility)
 - State Law or Interpretation
- Air quality/emission data
- Vehicle/population growth forecasts
- Non-scientific problem/concern (e.g. MTBE)
- Law suit
- SIP Call (from EPA)
- Requests from external parties (e.g. a source that wants different emission limits)
- Rules maintenance needs



Proposed SIP DEVELOPMENT AND APPROVAL PROCESS

Rules and Program Changes SIPs (continued)



C. Minor SIP Process:

The Minor SIP process consists of two phases; 1) Minor SIP revision drafting, and 2) EPA approval. The Figure, “Minor SIP Revision” on the following page shows this process in detail.

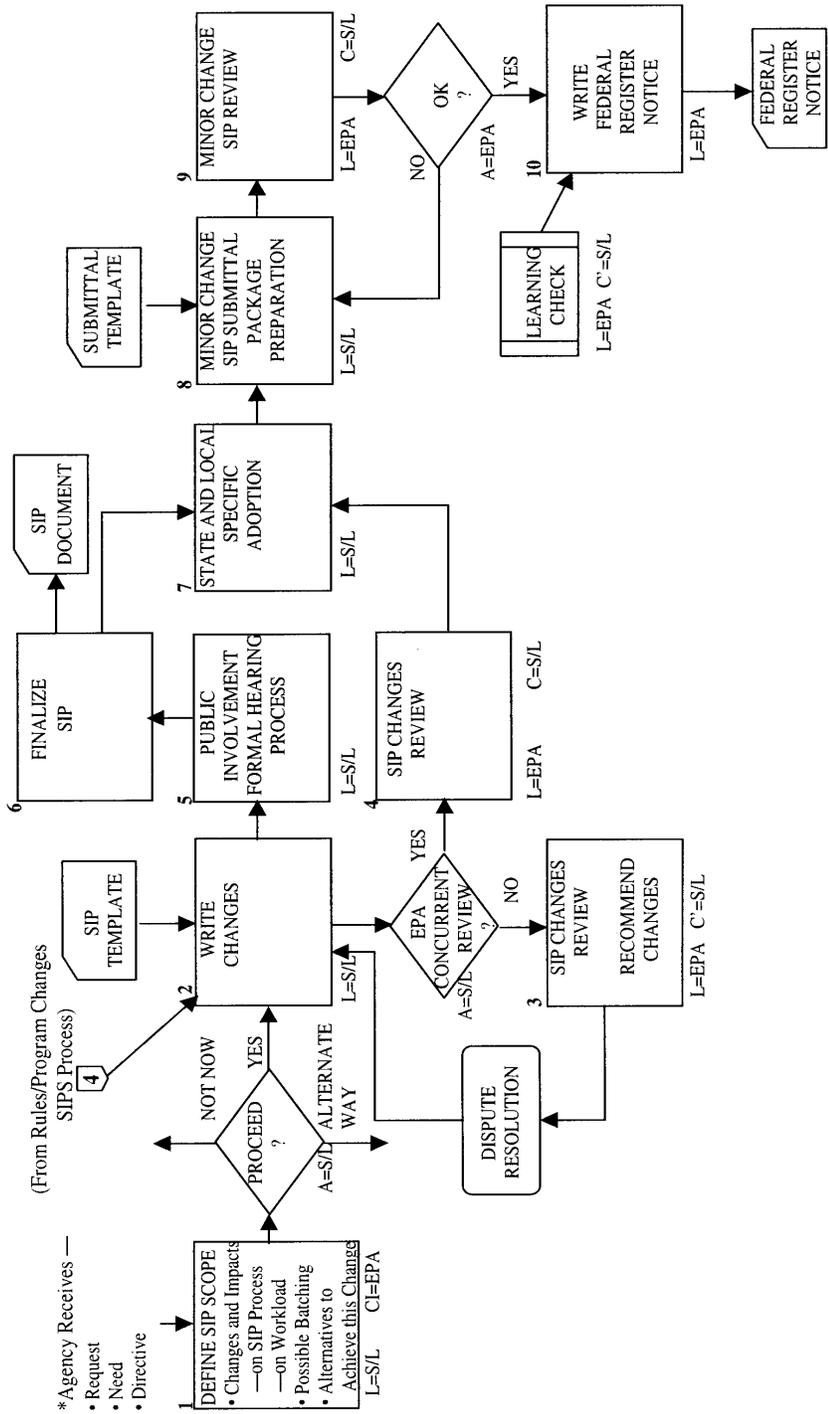
1) The state/local agency defines the scope of the revisions, writes the draft minor SIP revisions and holds a public comment period and hearing, concurrently sending EPA a copy of the draft revisions. EPA has the same review schedule as the public. After public comment and hearing, the state or local agency submits a final package to EPA.

2) EPA conducts a brief legal and technical review and publishes an approval/disapproval notice in the Federal Register.

Proposed SIP DEVELOPMENT AND APPROVAL PROCESS

Minor Changes SIPs

- * INPUTS TO THIS PROCESS:**
- Federal and/or State Rules changes
 - Non-scientific minor problems or concerns
 - Law suit
 - Requests from external parties
 - Rules maintenance needs



VII. The Appropriate Content of a Federally Approved SIP

Some state or local agency regulations and requirements are not appropriate for the federally approved SIP because they address issues outside the Clean Air Act. These include such things as odor and noise provisions, and air toxic emission requirements. Guidance in Appendix 2 of this document outlines what should and should not be included in the federally approved SIP

The federally approved SIP consists of two types of SIP elements, regulatory and non-regulatory. Regulatory SIP elements are state regulations or local ordinances that control emissions or establish permit programs. These elements are approved by EPA and incorporated by reference (IBR) in the appropriate section of the Code of Federal Regulations (CFR). Examples of these SIP elements are emission limitations (including RACT emission limitations) or other work practice requirements for a specific source or source category and PSD and NSR program requirements.

Non-regulatory SIP elements are general SIP provisions that are approved by EPA, but do not directly restrict emissions. Examples of these SIP elements are the emission inventory, demonstration of attainment, program descriptions (such as Smoke Management Programs), and RACT determination rationale. Approved SIP elements remain on file in the Regional Office.

VIII. Working Agreements

An MOA or other working agreement between agencies establishing how they will work together on SIP projects will be important to the success of the SIP process. These agreements need to be tailored to the individual agency and may be incorporated into other established agreements such as grants or performance partnership agreements. The following basic elements are suggested for these working agreements.

- 1) Commitment to a cooperative, inter-agency approach to SIP development.
- 2) Commitment to provide resources and abide by the time lines as negotiated in the SIP project plans.
- 3) Commitment to establish a process by which a SIP Development Plan may be amended.
- 4) Commitment to abide by the dispute resolution process.
- 5) The dispute resolution contacts within each agency and their roles in the dispute resolution process.
- 6) Commitment to an on-going evaluation process to allow for continued process improvement.
- 7) Commitment for agencies to share cumulative workload information on SIP packages at least annually in order to allow for improved processing efficiency.
- 8) Process for updating the working agreement when needed for process improvement.

IX. Dispute Resolution

State and local agencies and EPA will work collaboratively to develop SIP's and reach decisions by consensus whenever possible. Agencies may turn to the dispute resolution process described below to help reach consensus or otherwise resolve issues. This process can be used to resolve disagreements over substantive issues, such as technical requirements or policy applications, or dissatisfaction with the SIP process itself, particularly an agency's failure to meet commitments. Although dispute resolution may be used at any point, the SIP process flow charts identify key decision points where the parties will use dispute resolution to keep the process moving.

Dispute resolution process:

Step 1: Any state, local, or EPA person working on a SIP may initiate dispute resolution at any point in the SIP process by communicating that intent and the issues to be resolved to the other parties involved. Those parties will attempt to resolve the issues identified within one week and sign a memorandum documenting their agreement which will be attached to the SIP development plan.

Step 2: Any party not satisfied after Step 1 may raise the unresolved issues to their immediate manager and, with that manager's approval, to the immediate managers of the other parties involved. Those managers will attempt to resolve the issues within one week and sign a memorandum documenting their agreement which will be attached to the SIP development plan. If these managers cannot agree, the EPA's State and Tribal Programs Unit Manager will resolve the issues and submit that resolution in writing to the other managers involved.

Step 3: Any manager dissatisfied after Step 2 may request his or her agency's air quality director to review the resolution with the Director of EPA's Office of Air Quality.

X. Implementation Strategy

Principles:

The strategy to improve the SIP process must be locally led and managed using existing resources and mechanisms with minimum disruption to achieve a high level of success within budget constraints. It is important to integrate the SIP development process into local systems while maintaining the integrity and intent of EPA Region 10's role. We encourage positive interagency working relationships and collaboration between state and local agencies and EPA.

Strategy Elements:

With the above principles in mind, the Core Design Team recommends a seven component implementation strategy.

1. Appointment of agency implementation leads

Each agency is encouraged to appoint an implementation lead in order to ensure that the strategy is fully implemented within their agency. The responsibilities of this lead include:

- Planning for integration for SIP Development Process so it works well in the agency
- Administering the process within the agency
- Serving as prime contact for process changes, improvements, etc.

2. Availability of State CDT representative as a consultant

For the first year (after implementation), the CDT representative will be available as a consultant to the state or local agency lead.

3. CDT Support to agency leads

The CDT, through the state representative, will provide meeting design help, tips, and ideas to support leads in their planning work.

4. Optional State/local implementation teams

The CDT recommends the formation of a state/local implementation team around the lead, depending upon the needs, resources and desires of the local or state agency.

5. Selection of SIP's to test the new process

Initial implementation will entail a transition period where SIPs will be in various stages of development. These include:

- new SIP's
- SIP's in developmental process
- SIP's already at EPA

New SIP's will be developed using the SIP-PIP process in this report. State and local agencies will review SIP's already under development to determine the appropriate new process for those SIP's and incorporate parts of the new process that will improve development of those SIP's. EPA and the state or local agency will also consider whether to supplement SIP's already at EPA to support EPA's review and approval.

6. Clarify the working relationships between the State/local agency and EPA

State/local Lead and Director (or delegate) should clarify basic working relationship roles by initiating a Memorandum of Agreement (MOA) or other appropriate working agreement between S/L & EPA. As an aid to this process, the CDT will provide a pro forma agreement

7. Training needs assessment

CDT representative and Lead should assess needs for project leadership and management development training. This needs to be done during the first year of process improvement implementation. To assist in this effort, the CDT will determine generic and specific training responses (during 4th quarter of the first year).

XI. Process Evaluation and Improvement

The purpose of this element is to provide a valid basis for improving the SIP development process both during the development of a specific SIP and for improving the overall SIP process. This step will also provide the basis for improving, reinforcing, and correcting working relationships in the SIP development and approval process.

There are several evaluation tools available for this element. “Learning Checks” at points in the process where the process will be evaluated for each SIP. There are also working agreements that can be used as a basis for comparing commitments with actual performance. These include:

- 1) PPA
- 2) MOA
- 3) Grant agreements

There are also quantitative statistics available to assess improvements

- 1) Scheduled milestones vs. actual completion dates
- 2) Number of SIP actions at EPA
- 3) Number of final SIP actions in a year

Evaluation Discipline: How will it occur?

EPA will have the lead role for the overall evaluation and improvement process. State and locals will have a strong input role.

EPA responsibilities will include:

- 1) Assure that EPA staff perform lead roles for learning checks.
- 2) Gather learnings from EPA staff learning check leads (EPA person working on SIP) as basis for process change.
- 3) Assure EPA State Coordinators lead the high level management evaluation process re: working relationships, agreements, and role relationships between EPA-state-local.

What is Done with Learnings?

EPA lead will collect and summarize data for the year and call a meeting of CDT to review the data and develop recommendations to address problems. Recommendations are presented to EDT. The EDT will assure approved actions are implemented.

Appendices

1. SIP Process Flow Chart Element Description
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Appendix 1

SIP Process Flow Chart Element Description

The SIP process flow charts in Section VI of this report shows the steps, products, guidance, decision points, and agency roles in processing a SIP revision from beginning to final approval. To assist in using the flow charts, this appendix describes the purpose of each step, the content or results of the step and examples where appropriate to help explain the step. Each element in the flow chart has been numbered and the description is keyed to the step number.

Non-attainment/Maintenance/Regional Haze SIP

This type of SIP can be initiated by a designation of a geographic area as non-attainment for a National Ambient Air Quality Standard (NAAQS). It may be initiated through a SIP call under Section 110(k)(5) of the Act, by an agency's desire to re-designate back to attainment, or as a periodic update to the SIP.

SIP Project Planning Phase

Element #1: Define scope

Completion of this element will define the scope of the SIP revision. This process will entail determining the geographic extent of the problem area. Generally the geographic scope will be determined in the non-attainment area designation process. The scope will decide the pollutants that will be included. This step will summarize all the existing knowledge of the source, transport, and fate of the pollutants of concern. The SIP may need to cover pollutants beyond the non-attainment pollutant such as in cases of secondary aerosol particulate matter where precursor pollutants will need to be addressed. The scope will consider health risk associated with the problem. The scope will tentatively identify major technical, legal or policy issues such as whether Indian Governments are involved, or which EPA planning policies would apply.

Element #2: Develop Preliminary SIP Development Plan

Project planning will cover the SIP process from conception to final EPA approval. Completion of this element tentatively identifies the major elements that will need to be in the SIP such as air quality data, emission inventories, control measures, attainment demonstration etc. This element clarifies the roles of various persons involved in the SIP development and approval process, establishes a time-line for completion of major milestones, and identifies resource needs.

Element #3: Identify and refine key program, policy, or legal issues and resolve:

This element is to resolve key program, policy, or legal issues prior to beginning work. For example, if an Indian Reservation is within the geographic extent of the problem area, the SIP

development plan will clarify the State's role for that area. In most cases, the State will not have regulatory jurisdiction in Indian Country. The plan might address who will be responsible for planning on the Reservation.

Element #4: Develop Technical Analysis Protocol (TAP), including Inventory Preparation Plan (IPP)

This element is to present the basic technical approach that will be used to support the SIP control strategy. It will include identification and justification of the base year and future year emission inventory, practices and procedures that will be used to estimate emissions, and air quality models that will be used to demonstrate adequacy of the control strategy.

Element #5: Data gathering, clarification and decisions:

This step is to collect the information needed to make sound decisions. It may include seeking EPA advice, gathering existing technical information to help characterize the air problem, or conducting literature searches.

Element #6: Finalize Preliminary SIP Development Plan

A final SIP development plan is completed in this step. At this point, the State/Local agency and EPA should have a good understanding of what the final SIP will look like. The final SIP Development Plan is signed by the appropriate State/Local and EPA representatives for approval. An approved development plan means that both the State and EPA have communicated their expectations and is a guide for the development of a specific plan revision. It will also minimize "second guessing" and "late hits" in the SIP approval phase of process. There is a learning check at this point.

Element #7: Dispute Resolution

If agreement cannot be reached at the staff level on the SIP development plan, the dispute resolution process is initiated. Results of the dispute resolution will be incorporated into the final SIP development plan.

Element #8A: Preliminary SIP Development Plan

This is a document that is the preliminary plan

Element #8B: Final SIP Development Plan

This is a document that is the final signed SIP development plan.

SIP Development Phase

Element #9: Technical data gathering and modeling:

This step collects new information and data needed for the technical elements of the SIP including emission inventory data, meteorological data, or other data. If an air quality model, other than a “guideline” model is planned, this step includes performance testing to assure adequacy.

Element #10: Control strategy development:

The state or local agency identify the control measures that will reduce emissions sufficiently to attain the NAAQS. The control measures may include new emission limitations or work practice requirements on industrial sources, emission reduction programs such as residential wood combustion control programs, fugitive dust suppression measures and other measures designed to reduce emissions.

Control measures need to be adopted and effective before submitting SIP revision to EPA. This means that if the SIP depends on a city residential wood combustion curtailment ordinance, that ordinance needs to have been passed by the city and in effect prior to submission.

This step is an iterative process with Element #11, Attainment Demonstration. If the preliminary control strategy is not adequate to demonstrate attainment, additional control measures will need to be developed.

Element #11: Attainment Demonstration

This step is where the state or local agency provides the rationale that the SIP control strategy is adequate to attain and maintain the NAAQS. In general air quality dispersion modeling based on allowable emissions is used for this demonstration. However, the demonstration may use other information to develop a “preponderance of evidence” that demonstrates the adequacy of the control strategy. This step must be consistent with the SIP development plan.

Element #12: Draft SIP writing

The SIP is drafted consolidating all the technical, program, and legal work that has been completed. The SIP Template will be used to help guide what should be included in the SIP.

Element #13: Review SIP draft and recommend changes

The state or local agency must provide EPA the draft SIP for review. EPA must provide the State recommendations on major problems with the SIP, if any, that would preclude EPA from approving the SIP. This review is completed prior to public process so that major changes do not need to go through additional public hearings. There is a dispute resolution process at this point for major issues that cannot be resolved at staff level.

State and Local Adoption Phase

Element #14: Public involvement and formal hearing process

The State/Local agency must follow the established administrative procedures for public participation. This step includes notification of SIP availability, notification of public hearings, conduct of public hearings, and responding to comments.

Element #15: Final SIP

The state or local agency prepares the final SIP, incorporating changes as appropriate based on public comment.

Element #16: State adoption

The state adopts the SIP.

Element #17: SIP submittal package preparation

The state or local agency prepares and submits the SIP to EPA. This package includes a transmittal letter from the Governor or his designee, 5 copies of the SIP, an electronic version of the SIP submittal package, and documentation that the administrative procedures were followed.

SIP Approval Phase

Element #18: Completeness checklist review

EPA may review the SIP against the “SIP Completeness Checklist” (40 CFR Part 51, Appendix V) to determine whether it is complete. If it is incomplete, it will be returned to the State and considered “no submission of the SIP”. If the SIP is determined complete, then compliance with submission schedules will have been met or sanctions clocks, initiated for failure to submit by statutory deadlines, will be stopped.

Element #19: Write letter to state

EPA will document the completeness determination by letter to the state. If no completeness determination is made within 6 months of submittal, it will be deemed complete by operation of law.

Element #20: Review and update SIP review schedule

EPA in consultation with the state or local agency will review the SIP Development Plan schedule for approving the SIP to determine if adjustments are needed. A schedule adjustment may be needed due to workload, other higher priority SIP actions, or litigation. The state or local agency will agree to EPA's schedule change or initiate the dispute resolution process.

Element #21: Technical and legal review

EPA conducts the technical and legal review of the SIP against statutory and regulatory requirements. The SIP will also be reviewed against the agreements in the SIP development plan.

Element #22: Write approval justification

EPA will prepare a Technical Support Document (TSD) documenting the findings of its technical and legal review. The TSD provides the rationale and justification for EPA decisions to approve, take no action on, or disapprove specific SIP provisions. EPA will draw upon language in previously prepared documents for much of the basic rationale, but will make an independent determination on the adequacy of the SIP provisions. At this step EPA will also decide which of two rulemaking process to use: direct final notice, or proposed and final action. The decision is primarily based on whether adverse comments are anticipated.

Element #23: Write Federal Register Notice

Upon completion of the TSD, EPA prepares the Federal Register notice for publication in the Federal Register. There is a learning check at this point that will review the SIP process.

Rule and Program SIP Revisions

SIP Project Planning Phase

Element #1: Define scope

This initial step defines the scope of the proposed SIP revision. It will consider the rules to be revised and the impact on other provisions of the SIP. It will consider whether the proposed revisions could be combined with other anticipated SIP revisions. This step will also tentatively identify technical, legal or policy issues to be addressed.

Element #2: Cumulative Workload Analysis

The cumulative work load analysis will identify all potential SIP revisions that the State/Local agency anticipates across their program and into the near future (12 months). It will assess the priority of this SIP revision in relation to all other anticipated SIP revisions. This step will assist EPA in forecasting workload and help establish priorities. There is a decision point where the state or local agency might decide to combine this SIP revision with another SIP, postpone this SIP, or take some other action.

Element #3: Preliminary SIP Revision Development Plan

A preliminary project plan is prepared that specifies the deliverable products, clarifies roles of persons involved, proposes a schedule of major milestones and identifies resource needs. Appendix 3 is used as guidance for this step.

Element #4: Identify & refine key policy, program, or legal issues

This step identifies all the potential policy, program or legal issues that need to be resolved with EPA prior to commencing work. These issues may include SIP relaxation, jurisdiction, or enforcement.

Element #5: Data gathering, clarification, and decisions

This step gathers the appropriate information and makes decisions on the identified issues. Decisions are incorporated into the final SIP Revision Development Plan.

Element #6: Relaxation Analysis

The state or local agency needs to complete a “relaxation analysis” to determine whether a technical demonstration is needed. The technical work would demonstrate that the SIP revision would still protect the NAAQS, not violate PSD increment, nor have an adverse visibility impact on a mandatory Class I area.

If the SIP revision is not a relaxation, and the changes are simple, the SIP revision may shift to the minor SIP revision process.

Element #7: Develop TAP

If additional technical support is required for the SIP revision because it is a relaxation, a Technical Analysis Protocol (TAP) will be developed to be included in the SIP Development Plan. The TAP will specify the technical protocols that will be used to demonstrate impacts.

Element #8: Finalize SIP Development Plan

The state will finalize the SIP development plan and submit it to EPA for signature. There is a dispute resolution step if EPA and the state or local agency cannot agree. There is also a learning check to review how the process has worked.

SIP Rule Change Development Phase

Element #9: Draft rule writing

The State/local agency writes the draft rule or program revisions, along with the appropriate justification, and provides a copy to EPA prior to the public participation process. The justification should include, but not be limited to, a redline/strikeout version of the proposed revisions showing changes from the current SIP; the completion of Appendix 4, “SIP Template for a Rule SIP Revision”; and the completion of Appendix 7 (if appropriate), ‘Guidance for a Rule Relaxation’. EPA reviews and provides comments to the State/local agency prior to the public involvement process to allow revision of the SIP prior to public review. This is a state or local agency lead.

Element #10: Draft rule review and recommended changes

EPA reviews the draft rules for major problems such that EPA could not approve the SIP revision. EPA must provide comments to the state or local agency. There is a dispute resolution process at this point. There is also a learning check at this point.

Element #11: Public involvement and formal hearing process

The state or local agency conducts the public review and hearing process and sends EPA a copy of the final version of the rule available for public review

Element #12: Finalize SIP

The state or local agency finalizes the SIP revision.

Element #13: State adoption

The rules are adopted by the state.

Element #14: SIP revision submittal package preparation

The state or local agency prepares the SIP revision for submission to EPA. This package will include the transmittal letter, 5 copies, an electronic version of the SIP package, all technical justification, State Legal Review (see Appendix 7), and other administrative procedures. The State submits the SIP revision to EPA.

SIP Approval Phase

Element #15: Completeness checklist review

EPA may conduct a review whether the SIP revision meets the completeness criteria of 40 CFR Part 51, Appendix V.

Element #16: Write letter to state

EPA will document the completeness determination by letter to the state. If within 6 months of submittal EPA has not made a completeness determination, the SIP revision will be deemed complete by operation of law.

Element #17: Review and update SIP review schedule

EPA in consultation with the state or local agency will review the SIP Development Plan schedule for approving the SIP to determine if adjustments are needed. A schedule adjustment may be needed due to workload, other higher priority SIP actions, or litigation. The state or local agency will agree to EPA's schedule change or initiate the dispute resolution process.

Element #18: Technical and legal review

EPA conducts the technical and legal review of the SIP against statutory and regulatory requirements. The SIP will also be reviewed against the agreements in the SIP development plan.

Element #19: Write approval justification

EPA will prepare a Technical Support Document (TSD) documenting the findings of its technical and legal review. The TSD provides the rationale and justification for EPA decisions to approve, take no action on, or disapprove specific SIP provisions. EPA will draw upon language in previously prepared documents for much of the basic rationale, but will make an

independent determination on the adequacy of the SIP provisions. At this step EPA will also decide which of two rulemaking process to use: direct final notice, or proposed and final action. The decision is primarily based on whether adverse comments are anticipated.

Element #20: Write Federal Register Notice

Upon completion of the TSD, EPA prepares the Federal Register notice for publication in the Federal Register. There is a learning check at this point that will review the SIP process.

Minor SIP Revisions

Element #1: Define scope

The state or local agency will define the scope of the proposed SIP revision. This process will include identifying the changes and impact on the SIP processing and workload at the state or local and EPA. The state or local agency will consider combining this proposed SIP revision with other anticipated SIP revisions. The state or local agency will also consider alternatives that would achieve the same goal as the proposed SIP revision.

Element #2: Write changes

The state or local agency drafts the proposed rule changes and submits them to EPA concurrently with the public involvement process.

Element #3: SIP change review & recommended changes

The state or local agency may submit and EPA may review the SIP revision to determine whether there are major problems that require revision prior to the public involvement process. If not the state or local agency can begin concurrent public involvement process, Element #5. If EPA wants to provide major comments to the state or local agency, then EPA will provide those comments, Element #4, prior to initiating the public involvement process. There is a dispute resolution process at this step.

Element #4: SIP changes

EPA provides major comments to the state or local agency.

Element #5: Public involvement and formal hearing process

The public review and hearing process is conducted.

Element #6: Finalize SIP

The state or local agency finalizes the SIP revisions

Element #7: State and local adoption

The State/Local adopts the SIP revision.

Element #8: Minor change SIP submittal package preparation

The state or local agency prepares the SIP revision for submission to EPA. This will include the transmittal letter, 5 copies, all technical justification, and other administrative procedures. The state submits the SIP revision to EPA.

Element #9: Minor change SIP review

EPA either approves or disapproves the SIP

Element #10: Write Federal Register Notice

EPA writes the Federal Register Notice.

Appendix 2

Guidelines for Including Rules in Implementation Plans

This document discusses the types of regulations that are appropriate for inclusion in State Implementation Plans (SIPs) and Tribal Implementation Plans (TIPs) pursuant to §110 and elsewhere in Title I of the Clean Air Act. It is intended to help prevent unnecessary work in the submittal and review of rules not appropriate for SIPs or TIPs. It is not intended as an exhaustive list of all rule titles sufficient to comply with the Act. Of course, each SIP or TIP is unique, and this document should not be used in lieu of case-by-case analysis of state/local/tribal rules and the specific requirements of the Act.

1. Appropriate for the SIP or TIP

SIPs and TIPs are designed to achieve and maintain National Ambient Air Quality Standards (NAAQS) for the criteria pollutants and their precursors as described in 40 CFR 50. SIPs and TIPs may include state/local/tribal measures that are not required by the Clean Air Act if the state or tribe requests EPA approval. Generally, SIPs and TIPs should include:

- a. All control measures relied on in attainment demonstrations developed for purposes of attaining or maintaining the NAAQS under §§110(a)(1) or (a)(2)(A) (general provisions); §169A (Class I area visibility protection); §172(c) (general nonattainment provisions); or in response to an attainment demonstration requirement in the pollutant-specific provisions of Part D, Subparts 2-5.
- b. Any control measures relied upon to meet a specific rate of progress requirement (e.g., 15% requirement in §182(b)(1)).
- c. Any control measures relied on for purposes of a maintenance plan under §175A.
- d. Control measures or other rulemaking-related items otherwise required by the Act. These include **RACM or RACT, gasoline vapor recovery, motor vehicle I/M**, and any other specified control measure (see, e.g., §182 for ozone, §187 for CO, or §190 for PM); or, **negative declarations** certifying that these elements are not needed in specific geographic areas.
- e. Preconstruction permit rules such as **PSD permit rules** required by §§160-171, **major nonattainment permit rules** required by §173, **minor preconstruction permit rules** required by §110(a)(2)(C) and 40 CFR 51.160, and permit fee provisions required by §110(a)(2)(L). These may include, for example, **permits required, standards for approving permits, and emission banking** rules.

- f. **Title, definition of terms, definition of geographic area, recordkeeping,** and some other administrative rules relied on by SIP or TIP prohibitory and permit rules.
- g. **Air pollution emergency episode** plan requirements pursuant to §110(a)(2)(G), §303, and 40 CFR 51 Subpart H and Appendix L.
- h. Provisions relied on by other rules that have been submitted for inclusion in the SIP or TIP that describe testing, monitoring, recordkeeping or reporting requirements or procedures such as many titled **recordkeeping and reporting, source tests, stack monitoring, sampling and test facilities and analytical methods.**
- i. **Emission statement** rules and other measures requiring emission reports or inventories as necessary to fulfill §110(a)(2)(F), §182(a)(3)(B), and similar requirements.

2. **Inappropriate for SIPs and TIPs.**

These rules generally should not be submitted for incorporation into SIPs or TIPs.

- a. Regulations developed solely to control non-criteria pollutants such as some rules controlling **asbestos, hydrogen sulfide, ozone depleting substances (e.g., Freon), nuisance, odors, pathogens, worker safety, noise and Hazardous Air Pollutants (HAPs)** or other toxic air pollutants except as provided in paragraph 3.e. This may include, for example, some state/local/tribal rules intended to substitute NESHAP standards pursuant to §112(l).
- b. Control measures that are otherwise federally enforceable and do not also need to be made federally enforceable through approval into the SIP or TIP. This includes, for example:
 - i. **New Source Performance Standards (NSPS)** and other regulations developed to implement §111.
 - ii. **Acid Rain** and other regulations developed to implement Title IV.
 - iii. **NESHAP** standards developed pursuant to §112.
 - iv. **Outer Continental Shelf** rules adopting portions of 40 CFR 55 into state or tribal law pursuant to §328.
- c. **Title V (Federal operating permit)** programs and rules as required by Part 70. Operating permit programs and rules do not become part of Part 52, and are therefore not part of the SIP or TIP. Rather, these programs are enforceable by EPA through the Title V approval process, which is independent from the SIP/TIP approval process.

- d. Rules describing agency investigative or enforcement authority such as some rules titled **enforcement, authority to inspect, authority to arrest, violation notice, orders for abatement**. States and tribes may need to adopt such rules to demonstrate adequate enforcement authority under §110(a)(2) (general provisions). However, they should not be approved into the SIP or TIP pursuant to §110(k) to avoid potential conflict with EPA's independent authorities provided in §113 (federal enforcement), §114 (recordkeeping, inspections, monitoring, and entry), and elsewhere.
- e. Administrative procedures before state/local/tribal agency **hearing boards**, except as provided in 3.d.
- f. Administrative requirements not needed pursuant to paragraph 1.f or elsewhere in section 1 such as provisions specifying **permit posting** requirements.

3. **Should be evaluated case-by-case.**

- a. **Prohibitory rules** that control criteria pollutants but are not otherwise required in SIPs or TIPs (e.g., as described in section 1 above). This might include, for example, rules that are designed to limit sources' potential to emit or those controlling **reduction of animal matter and photochemically reactive organic solvents** that are not needed to maintain attainment in an attainment area. If states/tribes want these rules in the SIP/TIP, they may request that EPA approve them into the SIP/TIP if they meet the requirements of §110(a) (general provisions) and §172(c) (general nonattainment provisions). However, states and tribes must also comply with §110(l) (revisions) and §193 (general savings clause) in order to remove such provisions from the SIP/TIP.
- b. **Fee provisions** that are not permit fees or economic incentives and are not designed to replace or relax an emission limit in the SIP/TIP. User fees that cover the direct and indirect costs of implementing SIP/TIP rules (e.g., annual fees associated with a stationary source registration program), or fees that are an enforceable element of a SIP/TIP rule (e.g., an application for an open burning permit is not complete unless accompanied by the appropriate fee), are appropriate for inclusion in SIPs and TIPs. Fees that provide general revenues for the state/local/tribal agency but are not related to specific SIP/TIP provisions are not appropriate for inclusion in SIPs or TIPs.
- c. Non-source category specific **upset/breakdown, startup/shutdown, emergency**, and other rules that allow (or excuse through affirmative defenses) **excess emissions** during certain operating conditions. As described in a September 20, 1999 EPA memorandum "State Implementation Plans: Policy Regarding Excess

Emissions During Malfunction, Startup, and Shutdown”, some limited provisions can be included in the SIP/TIP, but automatic exemptions for excess emissions cannot.

- d. **Variance** and similar provisions that allow state/local/tribal agencies to waive SIP/TIP requirements can be approved into the SIP/TIP if they are consistent with §110(i) (modification prohibition), §110(l) (revisions), and §193 (general savings clause).
- e. Regulations promulgated to control **HAPs** or other toxic air pollutants that may be relied on to reduce criteria pollutants under §110.

Appendix 3

SIP Development Plan

Purpose:

The purpose of the SIP development plan is to document expectations among various agencies that will be responsible for SIP revision development and final SIP approval. These agencies may include, among others, the local air pollution control agency, state control agency, local (metropolitan) planning organizations, cities, counties, fire districts, Tribes, and EPA Region 10. The SIP Development Plan could include other “pre-SIP” development documents such as the Technical Analysis Protocol (TAP), Inventory Preparation Plan (IPP), Modeling Protocol, etc. It should include discussion and agreement on all potential technical and policy/legal issues before SIP work is initiated. The SIP Development Plan should be a living document to which sections are added as they are developed.

Contents: The SIP Development Plan should include the following:

- 1) Purpose and objectives of the SIP revision. This section should also include a discussion of this SIP revision in relation to the Cumulative Work Load Analysis and the priority relative to other SIP revisions proposed in the year.
- 2) Who will be involved in the development, approval and implementation of the revision? What is their role at each step of the SIP development
- 3) Schedule of milestones and due dates from initial development of the SIP Development Plan to final approval by EPA.
- 4) Potential technical and legal/policy issues and their agreed upon resolution
- 5) Appendices: (as appropriate)
 - TAP
 - IPP
 - Modeling protocol
 - Rule relaxation analysis

Process: The process for preparing the SIP development plan should follow these steps:

- The State should notify EPA and other appropriate agencies that they propose a SIP revision. The State should then develop a draft SIP Development Plan that includes items 1,2,3, and 4 above.
- The State should provide the draft Development Plan to EPA and other appropriate agencies for review and comment.
- EPA and State reach agreement and jointly sign the plan.
- The State should add additional documentation (TAP, IPP etc) as they are developed and signed.

Appendix 4

SIP Guidance and Templates

SIP Guidance:

A. Technology Transfer Network:

SIP Guidance can generally be found in the EPA Technology Transfer Network (TTN) website.

1. Monitoring Guidance at: www.epa.gov/ttn/amtic/
2. Modeling Guidance at: www.epa.gov/ttn/scram
3. Emission Inventory Guidance at: www.epa.gov/ttn/chief
4. Policy Guidance at: www.epa.gov/ttn/oarpg

B. Title I General Preamble (EPA's interpretation of 1990 Amendments for SIPs)

1. "State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990; Proposed Rule"; Federal Register, April 16, 1992 at page 13498

This document can be found at: www.epa.gov/ttn/oarpg/amend.html

2. "State Implementation Plans: General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990, Supplemental", Appendices, Federal Register, April 28, 1992 at page 18070.

This notice is available from EPA Region 10, State SIP Coordinator.

3. "State Implementation Plans for Serious PM-10 Nonattainment Areas, and Attainment Date Waivers for PM-10 Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990", August 16, 1994 at page 41998.

This notice is available from EPA Region 10, State SIP Coordinator.

C. Redesignation Policy Memo:

1. "Procedures for Processing Requests to Redesignate Areas to Attainment": September 4, 1992, John Calcagni

This memo is available from EPA Region 10, State SIP Coordinator.

D. SIP Processing Manual:

1. SIP Processing Manual at <http://icode.trintegral.net/sipman/index.cfm>

This manual is guidance for EPA in processing SIP revisions. State and Local agencies can login as a “guest”. It provides guidance on how EPA processes SIP revisions.

Appendix 4

Non-attainment Area SIP Template

I. INTRODUCTION AND BACKGROUND

A. Purpose:

The “purpose section” should provide a brief overview why the SIP was developed, the name of the non-attainment area (NAA), designation date and classification status of the area, and identification of the pollutants covered.

Each SIP for a non-attainment area that requires a demonstration of projected compliance with the NAAQS, will be unique.

B. Description of Area

This section is a description of the geographic location, geographic extent, geographic features, population, local governmental entities, economy, and meteorology of the area. This section should also include the legal description of the area (boundary) as in 40 CFR Part 81. It will be used in future maintenance area planning requirements such as trigger dates for PSD increment baseline (which will be different from other areas of the state.)

C. Area Designation and SIP History

This section should provide answers to the following questions. Provide Federal Register citations.

- When was the area originally designated non-attainment and what was the classification?
- What actions have occurred since original designation: reclassification to serious, extension of attainment dates, changing boundaries, etc?
- What is the attainment date for the area?

II. AMBIENT DATA

CAA section 110(a)(2)(B): The State must provide for the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on ambient air quality and upon request, make such data available to the Administrator.

A. Ambient Air Monitoring Surveillance

Discuss the ambient air quality monitoring network and include such things as scale of representativeness, purpose of site, location of monitors, and when EPA last approved the network. Discuss when monitoring began at each site. Discuss samplers or monitoring instruments and whether they are Federal Reference or Equivalent Methods. Discuss quality assurance and validity of data. Discuss data reporting to AIRS data base. You might want to

include special studies such as saturation monitoring.

B. Air Quality Data and Analysis

Present an analysis of air quality data. Highlight when violations were recorded. Discuss any analysis of the data to characterize the source, transport, and fate of the pollution including seasonal variation, correlation to meteorological conditions, and trends.

Present violation data for each monitoring site for all averaging times for the pollutant. Specify the base year and the rationale for selection as the base year. Calculate the design value for each site for the base year.

III. CLEAN AIR ACT REQUIREMENTS

Summarize the Clean Air Act requirements contained in subpart D of the Act that are applicable to this SIP revision.

IV. SIP ELEMENTS

A. Emission Inventory

Requirements: Section 172(c)(3) of the CAA requires that nonattainment plan provisions include a comprehensive, accurate, current inventory of actual emissions from all sources of relevant pollutants in the NAA. The CAA requires that all NAAs prepare a base year inventory that is comprehensive, accurate, and current with respect to actual emissions in the area including such periodic revisions as the Administrator may determine necessary. [Section 182(a)(1)]. Because the submission of such inventories are necessary to an area's attainment demonstration (or demonstration that the area cannot practicably attain), the emissions inventories must be received with the submission (see 57 FR 13539). Attainment year emission inventory needs to be based on allowable emissions depending on pollutant and source type. For some emission categories, the worst case actual emission will be used. Detailed explanation of how the emission inventory was developed should be in an appendix.

Provide adequate documentation to clearly show how emission estimates were calculated. Include all assumptions, data sources, emission factors and calculations so that the inventory could be recreated at some point in the future.

- 1. Base Year Emissions Inventory**
- 2. Periodic and/or Projected Attainment Year Inventory**

B. Attainment Demonstration

EPA guidance generally requires dispersion modeling be used to demonstrate attainment of the NAAQS. While the use of a model not specified in EPA's Guidelines on Air Quality Models may be allowed, any alternative technique used by the State must be approved by EPA and include justification.

C. Control Measures

Describe each control measure contained in the control strategy including the sources covered (applicability), the control requirements, how the measure will be implemented, how the measure will be enforced, and how emission reductions are determined. For voluntary measures include reduction credit requested, how effectiveness will be tracked, and how the implementing agency will respond to shortfalls in emission reductions.

Include a copy of the official version of each rule or measure.

D. Contingency provisions

Contingency measures should be structured to take effect, without any further action by the State or EPA. States may implement contingency measures early to obtain additional emission reductions, without being required to adopt replacement contingency measures to put in place should one of the triggering events for implementation of contingency measures occur. This policy is described in a memorandum from Tom Helms, Chief of the OAQPS Ozone Policy and Strategies Group entitled "Early Implementation of Contingency Measures for Ozone and Carbon Monoxide Nonattainment Areas," August 13, 1993.

E. Reasonable Further Progress (RFP)

Describe how implementation of the control strategy will achieve RFP through tracking emission reductions along with effective dates of each control measure.

F. Motor Vehicle Emissions Budget

The on road motor vehicle emissions for the attainment year is the motor vehicle emission budget against which transportation conformity determinations will be made.

V. Conclusion

Appendices:

Air Quality Data

Emission Inventories

Dispersion Model Input files

Dispersion Model results

Public Hearing Announcements

Public Hearing transcripts or summary

Response to Comments

SIP Adoption Certificate

Appendix 4

Maintenance Plan Template

I. INTRODUCTION AND BACKGROUND::

A. Purpose

The “purpose section” should provide a brief overview why the original SIP was developed, the name of the non-attainment area (NAA), designation date and classification status of the area, and identification of the pollutants covered..

Each SIP for a non-attainment area that requires a demonstration of projected compliance with the NAAQS, will be unique.

B. Description of Area

This section is a description of the geographic location, geographic extent, geographic features, population, local governmental entities, economy, and meteorology of the area. This section should also include the legal description of the area (boundary) as in 40 CFR Part 81. It will be used in future maintenance area planning requirements such as trigger dates for PSD increment baseline (which will be different from other areas of the state.)

C. Designation and SIP Planning History

Describe the history of the area’s designation including air quality data upon which it was based, cite the Federal Register notices designating area nonattainment. Provide Federal Register citations. This section should provide answers to the following questions:

- When was the area originally designated non-attainment and what was the classification?
- What actions have occurred since original designation: reclassification to serious, extension of attainment dates, changing boundaries, etc?
- What is the attainment date for the area?

Provide a history of the approval of the non-attainment area SIP that was prepared for the area. Provide a citation of the Federal Register notice. This discussion should also include actions including; attainment findings, re-classification, failure to attain, and other actions related to the area.

II. AMBIENT DATA

CAA section 110(a)(2)(B): The State must provide for the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on ambient air quality and upon request, make such data available to the Administrator.

A. Ambient Air Monitoring Surveillance

Discuss the ambient air quality monitoring network and include such things as scale of representativeness, purpose of site, location of monitors, and when EPA last approved the network. Discuss when monitoring began at each site. Discuss samplers or monitoring instruments and whether they are Federal Reference or Equivalent Methods. Discuss quality assurance and validity of data. Discuss data reporting to AIRS data base. You might want to include special studies such as saturation monitoring.

B. Air Quality Data and Analysis

Present an analysis of air quality data. Highlight when violations were recorded. Discuss any analysis of the data to characterize the source, transport, and fate of the pollution including seasonal variation, correlation to meteorological conditions, and trends.

Present violation data for each monitoring site for all averaging times for the pollutant. Specify the base year and provide a rationale for selection as the base year. Calculate the design value for each site for the base year.

III. Nonattainment Area SIP

Discuss the control measures that were included in the approved non-attainment area plan. Include the date of adoption by the State of each measure. Discuss whether the control measure will continue into the future as a maintenance plan measure.

Discuss Section 110 Requirements. This discussion should include when these provisions were previously approved. Provide FR citations for such approval and whether these measures continue into the period covered by the maintenance plan.

Discuss Part D Requirements. This discussion should include when these provisions were previously approved. Provide FR citations for such approval and whether these provisions continue into the period of the maintenance.

Assure that rules approved for the non-attainment area remain in effect for the maintenance area as appropriate. PSD baseline year will need to be clearly identified for maintenance area.

IV. Maintenance Plan

A. Emission Inventory

Provide emission inventories; 1) base year inventory of actual emissions, and 2) ten year projected inventory of allowable emissions. The allowable emissions for stationary sources is based on permitted emission limits. Allowable emissions for unregulated sources or source categories, or for which there are no quantified emission limits, should be based on anticipated worst case emissions for the averaging time periods of the NAAQS. The base year inventory

presents actual emissions for the same year that is the base year for the air quality design value. Provide adequate documentation to clearly show how emission estimates were calculated. Include all assumptions, data sources, emission factors and calculations so that the inventory could be recreated at some point in the future. The projected inventory may provide a new motor vehicle emission budget against which transportation conformity will be judged.

B. Maintenance Plan Control Strategy

Specify those control measures from the non-attainment area SIP, any new control measures that are adopted for this plan, and any other measures that will remain in effect that will protect the NAAQS. This could be presented in a table that lists each control measure, the effective date of the measure, and as appropriate the date EPA previously approved the measure. Accompanying the Table should be a brief description of the measure, how it will be implemented (i.e. how will it work) and the emission reductions that are projected by the measure.

C. Maintenance Demonstration

Demonstrate that the control strategy is adequate to protect the NAAQS . This demonstration is usually done through air quality modeling, in particular dispersion modeling. In general the level of demonstration will need to be comparable with the level of modeling contained in the original non-attainment area SIP. In many instances modeling technology has significantly improved since the original SIP was prepared. Therefore a different model will most likely be used.

D. Contingency Plan

Contingency measures will need to be included in the plan. These can be a continuation of the contingency measures in the original non-attainment area SIP, or they could be new measures. They could be triggered at some specified level less than a measured violation. Control measures contained in the original NAA SIP that are removed from the maintenance plan, must be included in the maintenance plan as contingency measures.

E. Transportation Conformity

Transportation conformity rules have either been previously approved by EPA, or the EPA rules apply. The maintenance plan however, will contain an on road motor vehicle emissions budget. Discuss the emission budget and how it will be used for conformity determinations.

V. Conclusion

Appendices:

Attachment C – Redesignation Checklist

Air Quality Data

Emission Inventories

Dispersion Model Input files

Dispersion Model results

Public Hearing Announcements

Public Hearing transcripts or summary

Response to Comments

SIP Adoption Certificate

Appendix 4

Rule SIP Revision SIP Template

I. Introduction: Submittal Summary

- What agency has submitted the SIP revision?
- What has the State/local agency submitted?
 - *What rules are being submitted?
 - *What documentation has been submitted to support administrative requirements?
- What does the State/Local agency want EPA to do with submittal, approve or remove?

II. Analysis of Submittal

1. What rules were revised?
 - Provide list of rules and State/Local effective dates
2. Describe the revised rules.
 - Generally describe the sources or source categories that are affected.
 - Describe why the rules were revised. If it is a new rule, describe why the rule is needed.
 - Describe the effect of the revision including the pollutants regulated.
3. Describe why the pollutant is being regulated.
 - Where in the CAA does the authority reside?
 - Where in State law is the State/Local agency given authority to regulate the pollutant and/or sources?
4. What are the differences between the SIP-approved rules and the revised rules?
 - What are the general differences?
 - Will allowable or actual emissions increase, decrease; or be de minimis, provide an analysis?
 - Is the revision a relaxation? - See Appendix 6
 - If revision is not a relaxation, confirm with EPA.
 - If revision is a relaxation, go to 5 below.
 - Were these rules relied on in an attainment or maintenance plan? If so, justify revision.
 - For Local rules - How does this rule differ from the State rule?
5. Show how relaxation meets federal requirements including:
 - Are the NAAQS protected?
 - Are the PSD Increments protected?
 - Is the revised rule consistent with the Visibility SIP?
 - For rules that are not a relaxation, this can be a short qualitative discussion.

Appendix 5

SIP Submittal Template

A SIP submittal should include the following items, as required by Appendix V to Part 51:

1. A formal letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision.
2. Five hard copies and one electronic copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan. The submittal shall be a copy of the official State regulation/document. The effective date of the regulation/document shall, whenever possible, be indicated in the document itself.
3. Provide a redline-strikeout version of the proposed rule(s) comparing the proposed rule with the current SIP rule.
4. Evidence that the State has adopted the plan in the State code or body of regulations, including the date of adoption, as well as the effective date.
5. Legal Review - Appendix 8.
6. Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice.
7. Certification that public hearing(s) were held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable.
8. Compilation of public comments and the State's response.
9. Two copies of Appendix 4 - SIP Template.
10. Provide two copies of the product from Appendix 7 - Rule Relaxation Analysis, if applicable.

Appendix 6

Rule Relaxation Analysis Guidelines

Principles

- Any SIP revision must protect the NAAQS and applicable PSD increments, and ensure progress towards meeting the national visibility goal in mandatory federal Class I areas.
- No technical demonstration is required for rule revisions that are simply administrative or procedural in nature (e.g. registration, new source review, reporting requirements) unless the effect of the rule was explicitly relied upon in an attainment or maintenance demonstration.
- The nature of the technical demonstration required for revisions to emission limitations (including test methods) or control measures will depend on the effect of the revision on the emission of air pollutants.

Determine if Revision is a Relaxation

- Describe the revision and document the change in emissions which would occur. The documentation should:
 - 1) explain the difference in requirements,
 - 2) identify all affected sources or source categories, and
 - 3) quantify changes in both actual and allowable emissions.
- Revisions that could increase emissions include, but are not limited to:
 - 1) a simple change in an emission limitation,
 - 2) a change to source applicability,
 - 3) a change in the nature or form of the requirement, and/or
 - 4) a change in the compliance test method or procedures.

Level of Technical Demonstration

- If the revision changes or removes an unimplemented requirement, and removing the requirement will not result in an increase in emissions, no additional documentation is required.
- If emission changes cannot be quantified, then a qualitative assessment should be made.
- If the change in emissions is deemed de minimis, no additional demonstration is needed. For purposes of these guidelines, de minimis means that the total change in emissions does not exceed EPA's significant emission rates for any facility (i.e., entire plant) that has emissions subject to the rule.
- If the revision tightens emission limits, no further demonstration is needed (unless the tighter limits are part of an attainment or maintenance plan, in which case the effect of the revision shall be included in the attainment or maintenance plan demonstration).

- For relaxations in attainment or unclassifiable areas, demonstrate that the increase in allowable emissions will not violate the NAAQS, that the increase in actual emissions will not violate any applicable PSD increment, and that the increase in allowable emissions is consistent with any applicable visibility/regional haze protection plan.
- For relaxations in nonattainment or maintenance areas (nonattainment areas that have been redesignated to attainment) demonstrate that the increase in allowable emissions resulting from the new emission limits are offset by decreases in allowable emissions from other new controls on other sources and either demonstrate that the new emission limits will attain and maintain the NAAQS, or document that the new emission limits are consistent with the approved demonstration of attainment.

Appendix 7

Legal Review by States

Purpose:

The purpose of the legal review by each State, prior to submitting a SIP revision, is to assure that the State has met both state and federal legal requirements. Each SIP revision should be accompanied with a certification from the attorney general's office that the SIP meets these legal requirements.

Guideline:

The legal review should consist of a determination:

- That both the State and Federal administrative procedures were followed;
- That the Agency implementing the revision has the legal authority to implement the requirements;
- For rules or measures that are locally adopted and implemented that the State has the authority, should the local agency fail, to implement the rule or measure;
- That each measure is enforceable, and that:
 - * source applicability is clearly described;
 - * emissions limitations and work practice requirements are clearly described;
 - * appropriate test methods are clearly set out; and
 - * record keeping and reporting requirements are clearly described

Appendix 8

PRO FORMA WORKING AGREEMENT

The pro forma Memorandum of Understanding (MOU) provided below is an example, based on basic elements developed by the Core Design Team. Agencies are encouraged to modify the pro forma agreement to fit their individual agency needs and situation. The working agreement elements from this pro forma MOU could also be incorporated into other established agreements such as grant and PPA agreements rather than in a separate MOU.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
<INSERT AGENCY NAME>
AND
ENVIRONMENTAL PROTECTION AGENCY REGION 10
FOR STATE IMPLEMENTATION PLAN DEVELOPMENT**

I. Purpose

This agreement between <Insert Agency Name> and the Environmental Protection Agency, Region 10 will serve to establish the basis for how the agencies will work together on State Implementation Plan (SIP) projects. Both agencies recognize the importance of developing quality SIPs and processing them in a timely manner. A SIP development process has been cooperatively developed within Region 10 to address concerns related to SIP processing and development. To assist in achieving the process objectives, these two parties enter into this basic working agreement.

II. Working Principles

1. <Insert Agency Name> and EPA Region 10 commit to a cooperative, inter-agency approach to SIP development.
2. <Insert Agency Name> and EPA Region 10 commit to provide resources and abide by the time lines as negotiated in the SIP project planning phase.
3. <Insert Agency Name> and EPA Region 10 commit to follow the basic procedures in the SIP-PIP Report.

III. SIP Development Plan

1. SIP Development Plans will be developed as defined within the mutually agreed to Region 10 SIP process. These development plans are working documents that guide the planning process for each SIP revision and submittal.

IV. Dispute Resolution

1. <Insert Agency Name> and EPA Region 10 commit to abide by a three-step dispute resolution process for the SIP development process as defined within the Region 10 SIP process.
2. <Insert Agency Name> and EPA Region 10 commit to resolving disputes at the lowest possible level within the respective organizations. However, disputes should be elevated when resolution is not forthcoming, in order to insure that the SIP development process continues to move forward.

V. On-Going Evaluation and Improvement

1. <Insert Agency Name> and EPA Region 10 commit to an on-going evaluation process to allow for continued process improvement.
2. <Insert Agency Name> and EPA Region 10 commit to share cumulative workload information on SIP packages at least annually in order to allow for improved processing efficiency. This will occur during the <Insert 1st, 2nd, 3rd, or 4th> calendar quarter each year.

VI. Execution/Modification and Duration of Agreement

This agreement will be in effect from the date signed by both parties and will remain in effect until amended or revoked. The agreement may be terminated immediately by either party. Amendments to this agreement may be made according to the process established in section V of this agreement.

VII. Disclaimer

This MOU is not intended to contravene any other agreements between EPA and the State, including any delegation of authority under the Clean Air Act to the State. The State and EPA recognize that each has and reserves all rights, powers, and remedies now or hereafter existing at law or in equity, or by statute, treaty or otherwise. The MOA is intended solely to facilitate inter-governmental coordination between the Parties, and neither creates any rights in third parties nor gives rise to any right of judicial review.

<INSERT AGENCY NAME>

Environmental Protection Agency
Region 10

By _____

<Insert Name/Title>

<Insert Name/Title>

Date _____

Date _____